

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

BKY 18-40752

Chapter 7

Mark E. Herman,

Debtor.

**ORDER GRANTING EXPEDITED MOTION AND APPROVING AMENDED AND
CLARIFIED SETTLEMENT AGREEMENT**

This case is before the Court on the Notice of Expedited Hearing and Motion to Approve Amended and Clarified Settlement Agreement between the Numeric Trading Company and Amber Senn, on the one hand, and Nauni Manty, trustee of the bankruptcy estate of Mark E. Herman on the other.

For reasons stated orally and recorded in open court,

IT IS ORDERED:

1. The request of Nauni Manty, trustee for expedited relief is granted.
2. The Amended and Clarified Settlement Agreement is approved.
3. The Artwork that is the subject of this order is the following together with any prepetition works by Mark Herman:

NOTICE OF ELECTRONIC ENTRY AND FILING ORDER OR JUDGMENT Filed and Docket Entry made on <u>12/10/2020</u> Lori Vosejpka, Clerk, by LH

Landmark Collection - MN

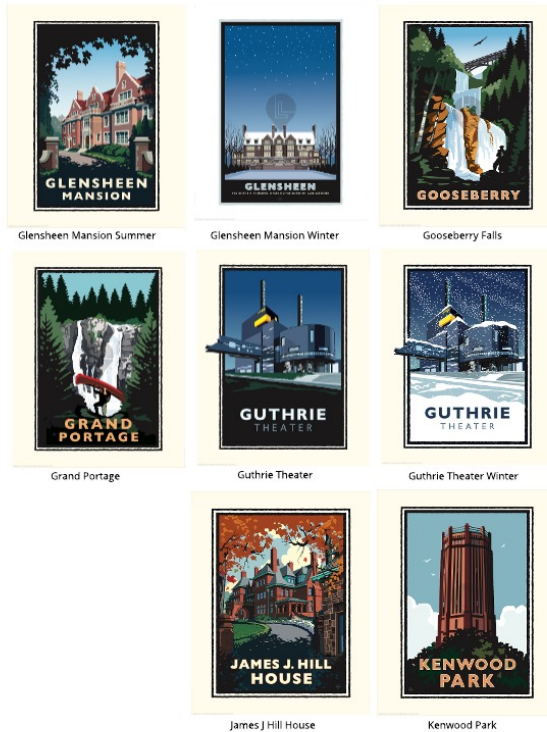


Mark Herman Art Catalogue to March 2018

Landmark Series - MN



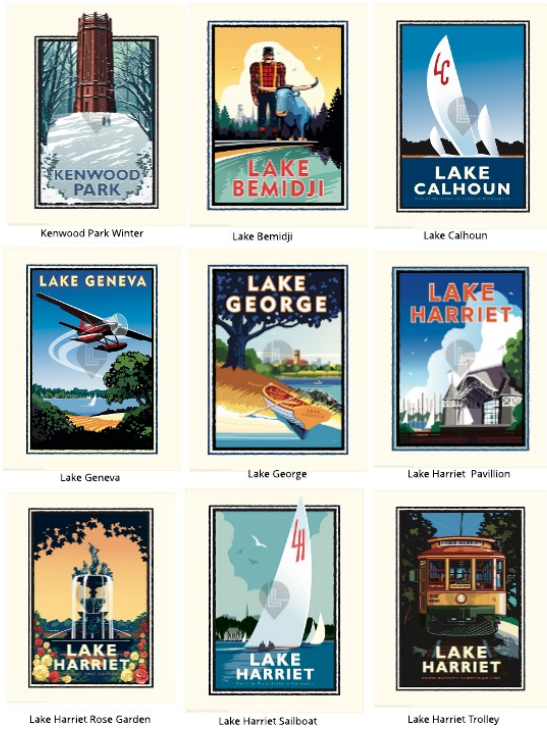
Landmark Series - MN



Mark Herman Art Catalogue to March 2018

Mark Herman Art Catalogue to March 2018

Landmark Series - MN



Mark Herman Art Catalogue to March 2018

Landmark Series - MN



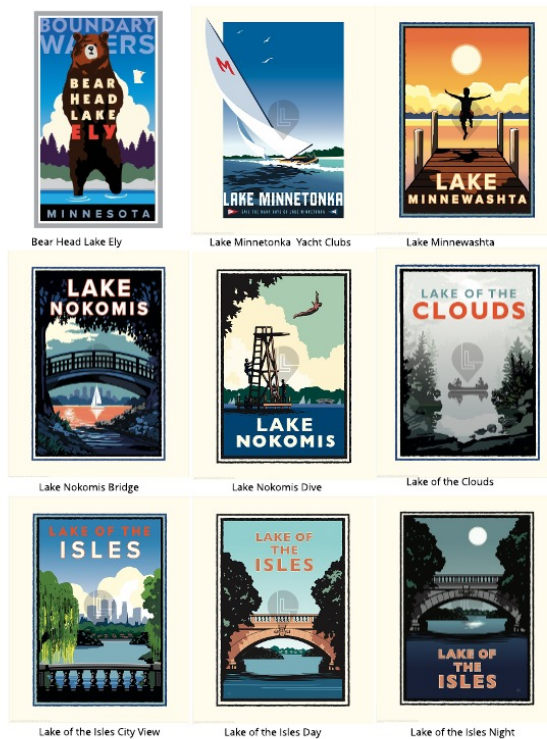
Mark Herman Art Catalogue to March 2018

Landmark Series - MN



Mark Herman Art Catalogue to March 2018

Landmark Series - MN



Mark Herman Art Catalogue to March 2018

Landmark Series - MN



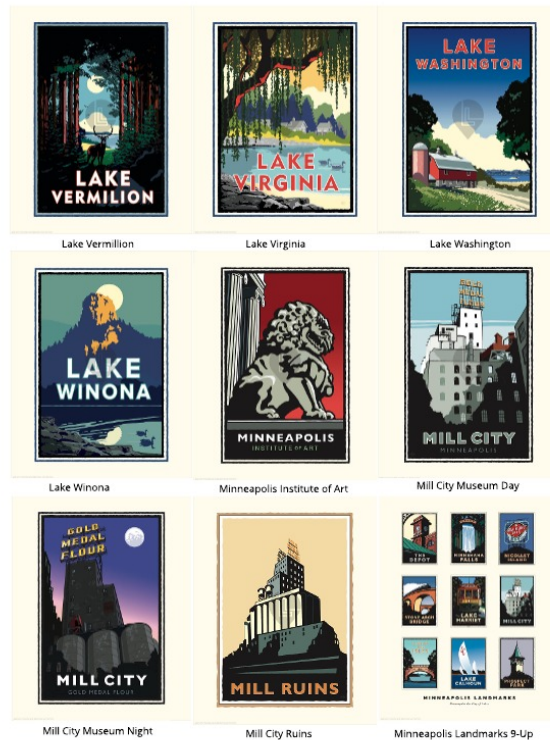
Mark Herman Art Catalogue to March 2018

Landmark Series - MN



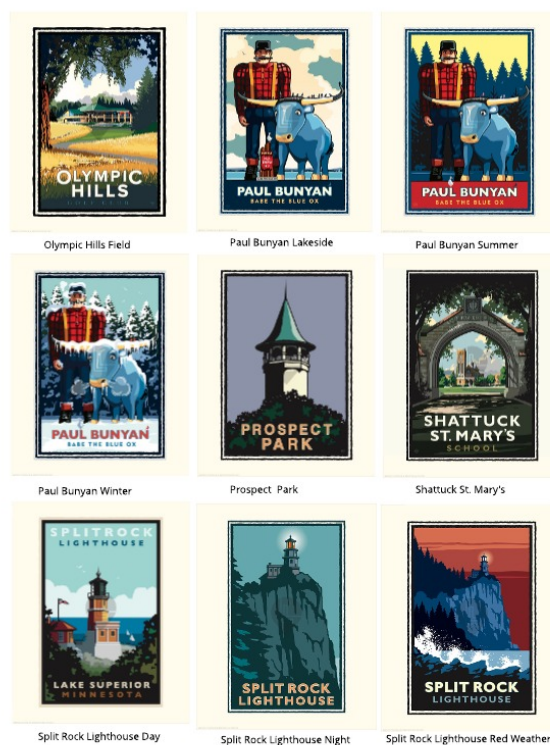
Mark Herman Art Catalogue to March 2018

Landmark Series - MN



Mark Herman Art Catalogue to March 2018

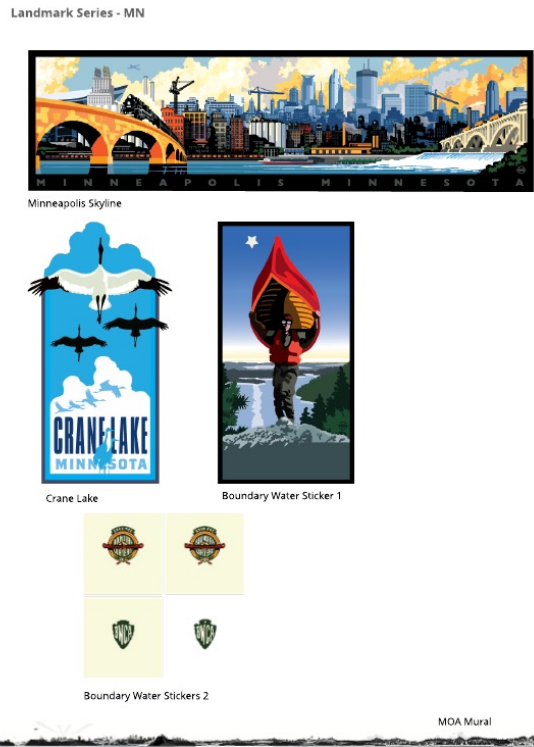
Landmark Series - MN



Mark Herman Art Catalogue to March 2018



Mark Herman Art Catalogue to March 2018



Mark Herman Art Catalogue to March 2018



Mark Herman Art Catalogue to March 2018



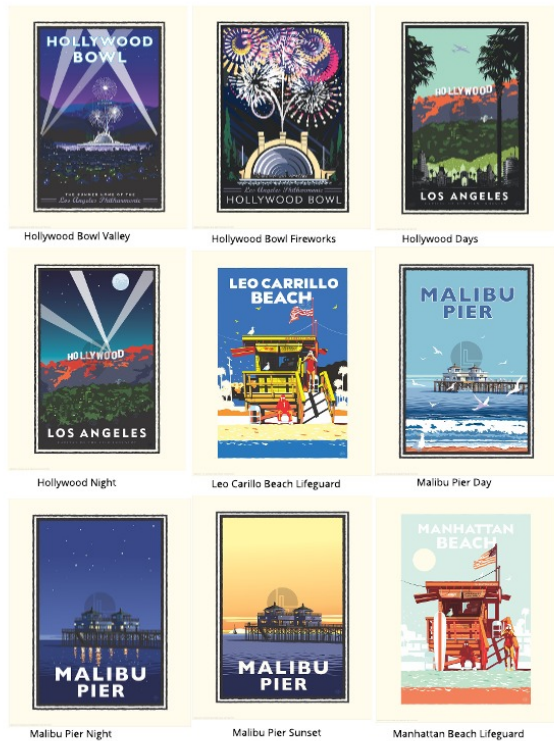
Mark Herman Art Catalogue to March 2018

Landmark Series - CA



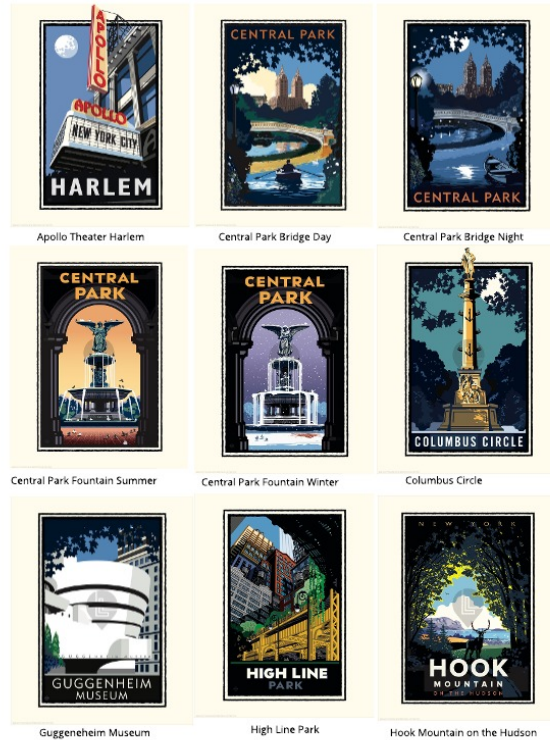
Mark Herman Art Catalogue to March 2018

Landmark Series - CA



Mark Herman Art Catalogue to March 2018

Landmark Series - NY



Mark Herman Art Catalogue to March 2018

Landmark Series - CA



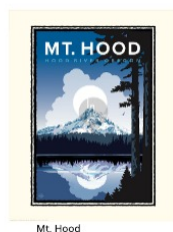
Mark Herman Art Catalogue to March 2018

Landmark Series - NY



Mark Herman Art Catalogue to March 2018

Landmark Series - OR



Landmark Series - WI

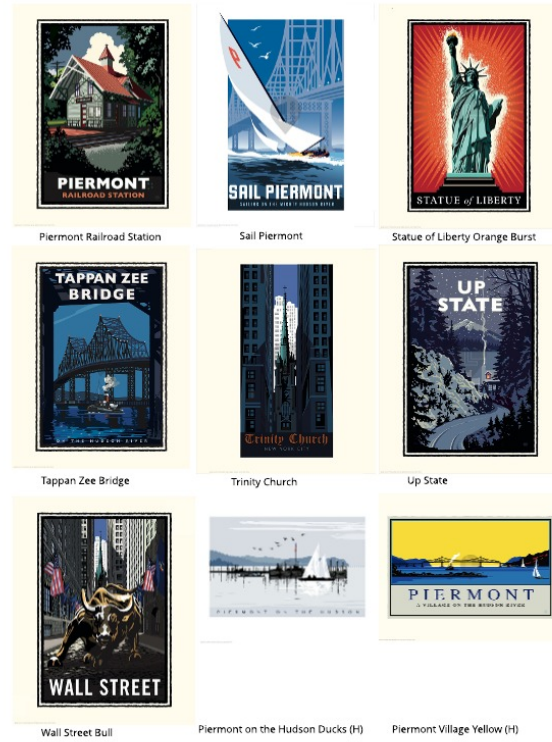


Landmark Series - SD



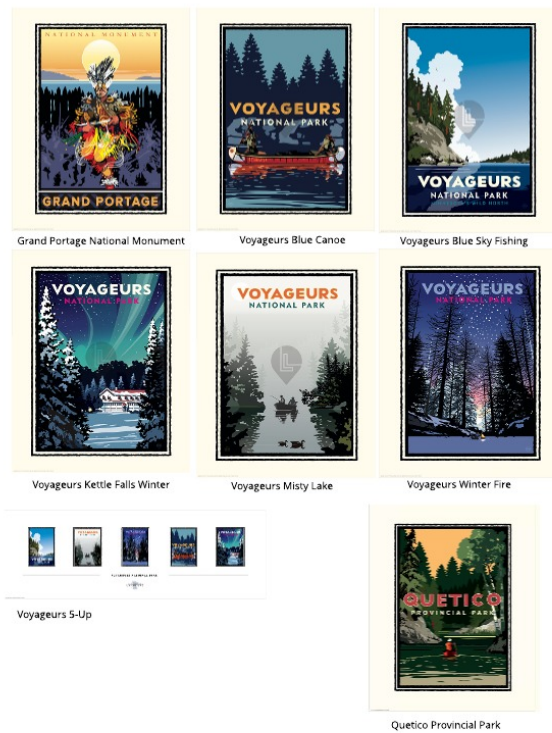
Mark Herman Art Catalogue to March 2018

Landmark Series - NY



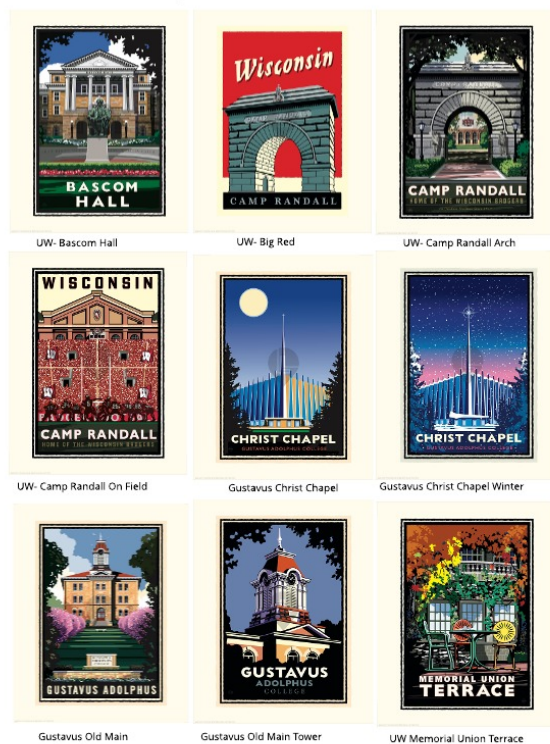
Mark Herman Art Catalogue to March 2018

Landmark Series - National Parks



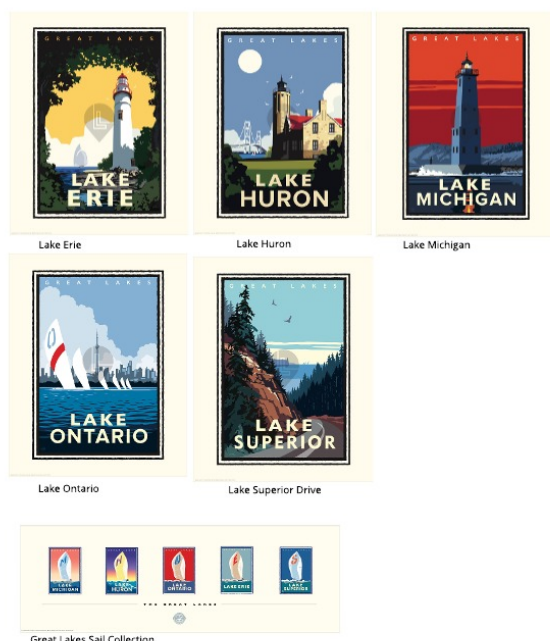
Mark Herman Art Catalogue to March 2018

Landmark Series - University



Mark Herman Art Catalogue to March 2018

Landmark Series - Great Lakes



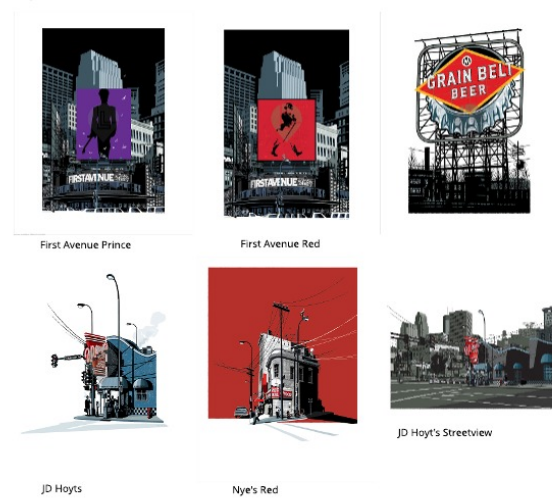
Mark Herman Art Catalogue to March 2018

Landmark Series - University



Mark Herman Art Catalogue to March 2018

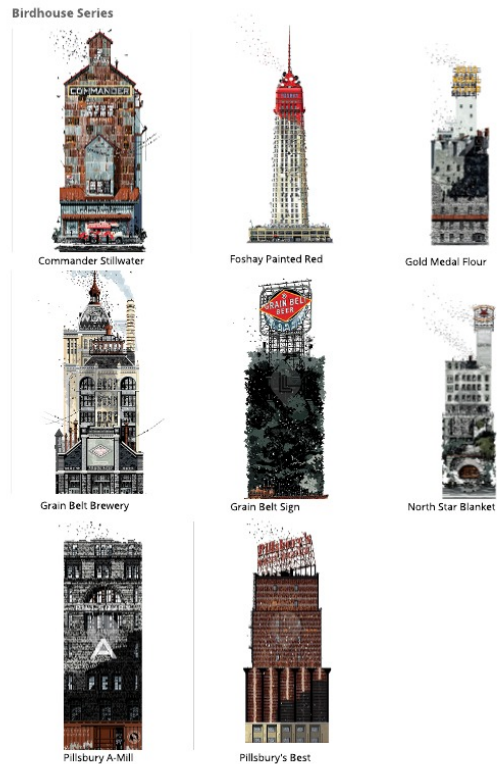
City Line



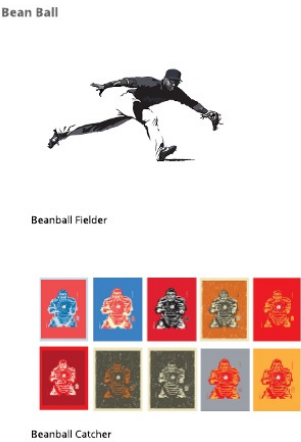
Mark Herman Art Catalogue to March 2018



Mark Herman Art Catalogue to March 2018



Mark Herman Art Catalogue to March 2018

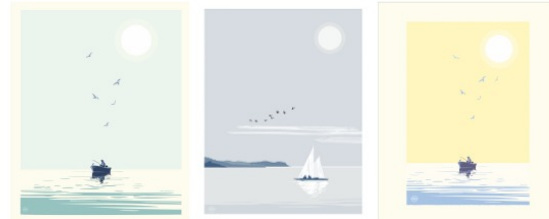


Mark Herman Art Catalogue to March 2018



Mark Herman Art Catalogue to March 2018

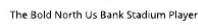
Misc Nautical



Minneapolis Miracle



Rowboat Red

**Mark Herman Art Catalogue to March 2018**

Hunt Club



Wild Wings Art



The Hunter

Misc



GM 150 Years



Sun Country Hometown Lakes

Mark Herman Art Catalogue to March 2018

(the “Clarified Artwork”).

4. All rights to the Clarified Artwork have been transferred by the bankruptcy estate to Numeric Trading Company and Amber Senn (collectively, “Senn”). More specifically,

- a. The art transferred by the bankruptcy estate includes but is not limited to, all digital art created by the debtor up to the date of the commencement of his bankruptcy case, March 15, 2018. The specific art transferred to Senn includes, but is not limited to, the Clarified Artwork.
- b. All rights previously transferred by the bankruptcy estate to Senn are also included within the definition of Clarified Artwork.
- c. The transfer of the Clarified Artwork by the bankruptcy estate to Senn includes all intellectual property rights, including copyrights, including rights of extensions and renewals thereof, held by the debtor in the Clarified Artwork.
- d. The trustee has conveyed, transferred and irrevocably assigned to Senn all rights, title and interest to the Clarified Artwork, including but not limited to, the entire and exclusive copyrights under federal and state copyright laws, in the United States and all jurisdictions outside the United States, its common law copyrights and all other intellectual property rights associated and subsisting in the Clarified Artwork.
- e. Senn shall be the exclusive owner of the Clarified Artwork and of the copyright in the Clarified Artwork and shall have the exclusive right to secure registration of the copyright in the Clarified Artwork internationally. No rights in the Clarified Artwork or in the copyright in the Clarified Artwork, are retained by the trustee or the debtor, nor shall there be any reversion of those rights to the trustee or the debtor in the future.
- f. The exclusive rights assigned and transferred to Senn under state and federal copyright laws include the right to reproduce the Clarified Artwork; the right to prepare derivative works based on the Clarified Artwork; the right to distribute copies to the public of the Clarified Artwork; the right to display the Clarified Artwork publicly, the right to alter, exploit and make changes to the Clarified Artwork, including any and all other privileges and rights to the Clarified Artwork attributed to a copyright owner.
- g. The trustee has conveyed, transferred, and irrevocably assigned to Senn the ownership any material object in its tangible form, in which the copyrightable Clarified Artwork is embodied. Any material object is the Clarified Artwork in its tangible form.

- h. To the extent that such exist, the trustee has conveyed, transferred, and irrevocably assigned to Senn her full term and renewal term copyright rights under federal and state copyright laws with respect to the Clarified Artwork.
- i. The assignment and transfer of copyrights subsisting in the Clarified Artwork, will remain in effect for the entire duration of such copyrights and will include all exclusive rights, interest, and ownership under the copyright laws.
- j. Any rights which were held by the debtor as of the commencement of his bankruptcy case related to the Clarified Artwork, or associated therewith, have been transferred to Senn and that the debtor has no right or interest in the Clarified Artwork.
- k. That the Amended and Clarified Settlement Agreement clarifies the rights previously transferred by the bankruptcy estate to Senn does not mean that the rights have not already been transferred to Senn by way of the prior sale and Settlement Agreement.

Dated: *December 10, 2020*

/s/ Kathleen H. Sanberg

Kathleen H. Sanberg
United States Bankruptcy Judge